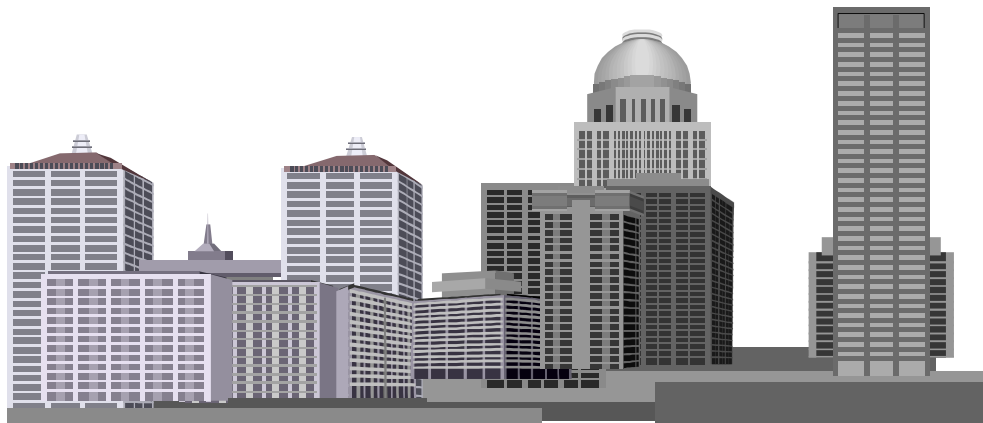


Metro Archives Newsletter



July-August, 2011

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Records Officer Training Session/s

Th	06/02/2011	2-3:30
M	06/06/2011	9-10:30
F	06/10/2011	1-2:30
W	06/15/2011	3-4:30
Th	06/23/2011	10-11:30

635 Industry Road, Louisville, KY

Impact of Sony Data Breach Widespread

Many gamers, as well as information management professionals are keenly aware of the recent data privacy breaches perpetrated on the Sony Company this spring. Both the Sony PlayStation Network and the Sony Online Entertainment network suffered at the hands of hackers, exposing individuals' names and e-mail addresses and giving rise to the suspicion that credit card information had also been compromised.

Cnet News and *The Wall Street Journal* reported on May 20, 2011, that a Sony subsidiary named So-net Entertainment had been hacked, as well as Sony Thailand. The So-net hacker reportedly made off with both customer e-mail information and customer reward points. ZDNet UK reports that the Sony Thailand breach resulted in use of a Sony file server to host a phishing website.

Though it is too early to tell whether these most recent breaches are directly related to the earlier incidents, it is safe to say that none of this is good news for Sony Corporation. It's easy to appreciate the fact that this is turning into a bit of a public relations nightmare for the company. Information governance professionals will appreciate the burden Sony has in attempting to plug the security holes and notifying the millions of customers worldwide that could have been affected by these breaches.

The Wall Street Journal reported that Sony had already lost 6% of its share value due to these videogame breaches and that some analysts estimate the company could spend over a billion dollars as it seeks to protect and hold onto its customers. The impact could have long-range impact if customers lose their trust in the company's ability to protect their information. The credit card issuers will also suffer an impact, as millions of users call those institutions to have their current cards cancelled and new numbers issued.

Australian IT reports that Sony is also the target of class action lawsuits, particularly in the United States and Canada. In California, it faces a claim of breach of warranty, negligent data security, privacy violations, and failure to properly inform customers of the breaches.

In Canada, solicitor McPhadden Samac Tuovi is seeking more than \$1 billion (Cdn.), or \$967 million (U.S.), a figure that includes Sony paying for credit monitoring services and fraud insurance for two years against identity theft fears.

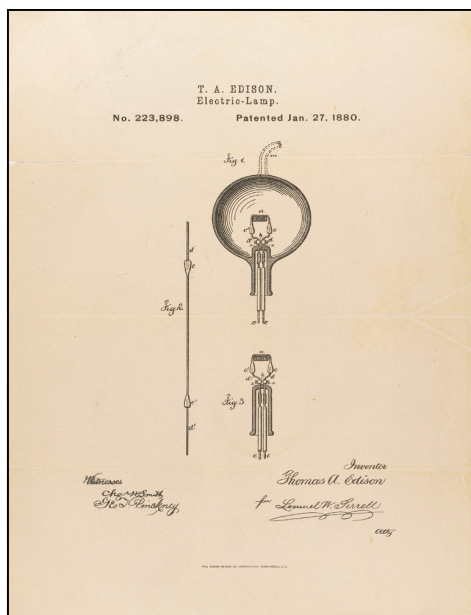
Brisbane attorney Mark O'Connor says that Australian customers would have to be able to prove that any illicit use of their credit cards was a result of the Sony incidents, which could be difficult if they use the same credit card on multiple websites. According to the *Australian IT* article, the next piece of advice he gives can be useful to all users, regardless of their geographic location: "Mr O'Connor said concerned gamers should study their contracts and treat the hacking crisis as a wake-up call about the level of personal and credit card information they entrusted to companies online."

Corporations that hold such sensitive information on behalf of their customers have a special duty of care to protect this information from mis-use. ARMA's Generally Accepted Recordkeeping Principles® (GARP®) Principle of Protection draws attention to this need in the context of appropriate information governance. Incidents such as these suffered by Sony paint a vivid picture of the impact that lapses in such protection can have on both the short-term and long-term welfare of an organization.

The GARP® Principle of Protection is only one of the eight principles that form the foundation of effective information governance. To learn more about these principles, go to www.arma.org/garp.

Diane Carlisle,
For ARMA International

Thomas Edison's Light Bulb Patent Application



Thomas Edison's patent drawing for an improvement in electric lamps, patented January 27, 1880; Records of the Patent and Trademark Office; Record Group 241; National Archives.

ary 27, 1880; Records of the Patent and Trademark Office; Record Group 241; National Archives.

Thomas Edison propelled the United States out of the gaslight era and into the electric age. From the time he was a boy, he was mesmerized by the mechanics of the universe and, with virtually no formal education, brought forth innovations that continue to dominate our lives. Out of his New Jersey laboratories, which were themselves inventions—thoroughly equipped and fully staffed—came 1,093 patented inventions and innovations that made Edison one of the most prolific inventors of all time.

Three of his most famous inventions, the phonograph, a practical incandescent light bulb, and the moving picture camera, dazzled the public and revolutionized the way people live throughout the world. His thundering dynamos transformed the United States into

the world's greatest industrial superpower.

In 1878 the creation of a practical long-burning electric light had eluded scientists for decades. With dreams of lighting up entire cities, Edison lined up financial backing, assembled a group of brilliant scientists and technicians, and applied his genius to the challenge of creating an effective and affordable electric lamp. With unflagging determination, Edison and his team tried out thousands of theories, convinced that every failure brought them one step closer to success. On January 27, 1880, Edison received the historic patent embodying the principles of his incandescent lamp that paved the way for the universal domestic use of electric light.

(Information excerpted from *American Originals* by Stacey Bredhoff; [Seattle and London: The University of Washington Press, 2001] p. 62–63.)

National Archives and Records Administration (NARA)

ACLU Calls for Information on Police Data Extraction Devices

Michigan's branch of the American Civil Liberties Union (ACLU) wants to know how the Michigan State Police (MSP) is using portable universal forensic extraction devices (UFEDs) that can download personal information from mobile devices. According to an [eweek.com](http://www.eweek.com) article, the UFEDs can reportedly bypass security passwords and download text messages, photos, video, and GPS data from most brands of cell phones. They may also be capable of obtaining erased text messages. ACLU staff lawyer Mark Fancher wrote to Kirsten Etue, director of the MSP, on April 13, stating, "These portable devices can be used to secretly extract personal information from cell phones during routine stops."

The article noted that, according to the ACLU, accessing a citizen's private phone information without probable cause could violate the U.S. Constitution's Fourth Amendment, which forbids unreasonable search and seizure. The group asked the MSP to explain how the devices are used, when they are used, and if they have been used without the permission of those whose phones or computers have been scanned.

According to the article, the MSP responded that the devices are used only after a search warrant has been obtained or if a mobile phone owner provides consent. It denied the claim that it uses the handheld devices to

download personal information during routine traffic stops.

"The DEDs [data extraction devices] are not being used to extract citizens' personal information during routine traffic stops," the MSP stated. The department said it would be impossible for the data to be collected secretly, as the DEDs require the police officer to physically possess the owner's mobile device to download the data. "The devices are used only by specialty teams on criminal cases, such as crimes against children," said the MSP.

The article noted that though the technology should not be used without the phone owners' consent or without a search warrant, it's likely that if the phones are confiscated during crime investigations, they are "fair game" for law enforcement.

"The courts are currently giving police the leeway to look at cell phones to collect information, much in the same way they can examine what a suspect has in his pockets or in a bag at the time of his arrest," stated Andrew B. Serwin, founding chair of the privacy, security and information management practice at Foley & Lardner. "A recent appellate decision in California upheld the government's authority to use text messages found on a suspect's cell phone as evidence

against him or her," Serwin said.

Fancher wrote, "A device that allows immediate, surreptitious intrusion into private data creates enormous risks that troopers will ignore these requirements to the detriment of the constitutional rights of persons whose cell phones are searched."

"The implication by the ACLU that the state police uses these devices 'quietly to bypass Fourth Amendment protections against unreasonable searches' is untrue, and this divisive tactic unjustly harms police and community relations," the MSP said.

According to the article, the ACLU said it has been trying to get more information about these devices for three years and has filed more than 70 separate requests under the Freedom of Information Act (FOIA). The MSP said it was willing to comply with the FOIA request, but the ACLU would have to pay a processing fee. The article noted that the ACLU reported that if they paid the process fee it would cost them \$544,000 to get the information they are looking for.

"We only wanted assurances that these devices were being used lawfully," Fancher told Reuters.

ARMA International

Facebook Must Produce—Not Just “Provide Access” to—ESI

As reported in a variety of locations, on April 6, 2011, United States Magistrate Judge Howard Lloyd of the Northern District of California compelled Facebook to produce electronically stored information (ESI), not merely “provide access” via a commercial website that allowed Facebook to restrict plaintiffs from reviewing those materials properly.

The court’s order granting the plaintiff’s motion to compel production in *In re Facebook PPC Advertising Litigation* (Apr. 6, 2011) analyzed three important issues:

1. The importance of ESI protocols
2. Production of ESI in native formats
3. Production of documents versus “access” to them

The plaintiffs in this case are suing Facebook for breach of contract and violation of California’s Unfair Competition Law. They allege that a “click filter” meant to ensure that the advertisers pay only for clicks that meet specified requirements did not work as represented. When discovery disputes arose, the plaintiffs filed a motion to compel in relation to three of the discovery disputes.

In the first dispute, the plaintiffs requested the court to compel Facebook to agree to an ESI protocol to set for the manner and form of electronic production. In resolving this

portion of the dispute, the court underscored the importance of the meet and confer process by saying “the clear thrust of the discovery-related rules, case law, and commentary suggests that ‘communication among counsel is crucial to a successful electronic discovery process.’”

In this finding, the court emphasized The Sedona Conference®, the Federal Rules of Civil Procedure, and recent case law. As a result, the parties were given a 30-day deadline for conducting a meet and confer session to create an ESI protocol that would address both the format of production and search terms.

The second portion of the finding related to the form of discovery that had already taken place in this dispute. Facebook had provided discovery responses, but uploaded the documents to a commercial website, rather than actually producing the documents. The plaintiffs found this unacceptable as the documents were not searchable, and Facebook was able to limit the plaintiffs’ ability to review and/or print the documents.

Other limitations had included “setting document expiration dates, tracking which documents had been reviewed and by whom, and rendering documents non-searchable or non-annotatable.” In this matter, the court or-

dered Facebook to stop using the commercial website and to re-produce documents that had been produced in an unusable form. A third and final action in this particular order referred to the form of production related to the actual source code used to filter the clicks in question. The court again compelled Facebook to produce the items in question in a form that would be usable and meaningful to opposing counsel.

This case reinforces the value of having a meet and confer meeting at the beginning of litigation, rather than having it be ordered by the court in the midst of the litigation itself.

Legal analyst Ben Kerschberg says, “Successful electronic discovery depends on open and good faith communication when the parties ‘meet and confer.’ This requires that opposing counsel cooperate to identify custodians and likely sources of relevant ESI, as well as the costs and steps required to access that information. Contrary to Facebook’s assertions, this hardly slows the process. Parties are able to narrow a lawsuit’s scope to preclude overbroad discovery requests for ‘oppressive, tactical reasons . . . rather than legitimate [ones].’ In place of gamesmanship, cooperation substitutes transparency and communication.”

Diane Carlisle for ARMA International

Elvis Presley’s Letter to President Nixon

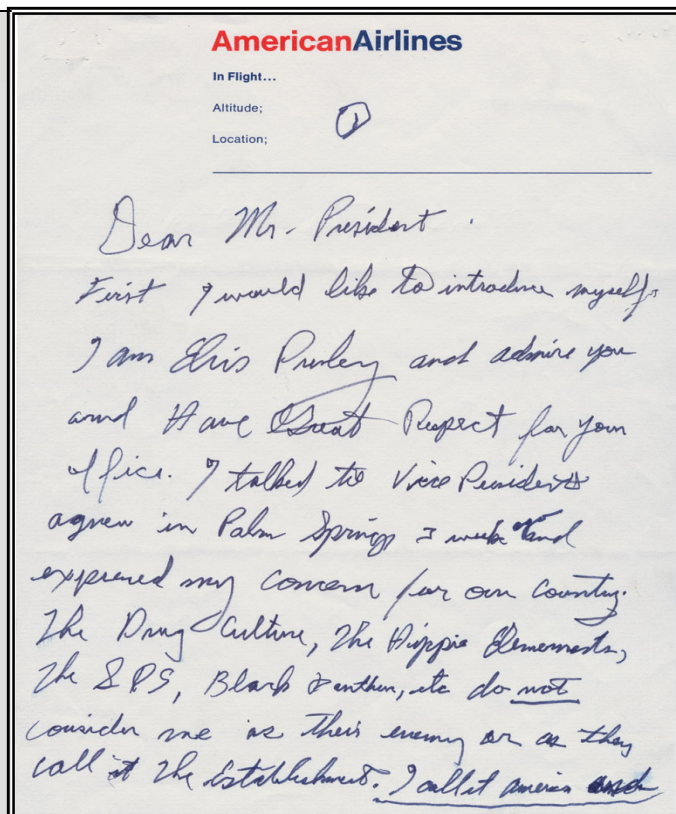
On the morning of December 21, 1970, Elvis Presley personally delivered a letter to the northwest gate of the White House. Written on American Airlines stationery, the five-page letter requested a meeting with President Nixon. Presley intended to present the President with a gift of a World War II-era pistol and obtain for himself the credentials of a federal agent in the war on drugs.

Page one of Elvis Presley’s handwritten letter to President Nixon; Document R-013 re Elvis-Nixon meeting, found in White House Central Files; Subject Files: EX HE 5-1; Nixon Presidential Materials Staff; National Archives and Records Administration.

For more, follow the link below:

<http://www.archives.gov/historical-docs/document.html?doc=20&title.raw=Elvis%20Presley%26%2339%3Bs%20Letter%20to%20President%20Richard%20Nixon>

National Archives and Records Administration



Land Records~

Introduction to Resources on Land Entry Case Files & Related Records

The land records that are generally of most interest to genealogists are the land entry case files. These are records that document the transfer of public lands from the U.S. Government to private ownership. There are over ten million such individual land transactions in the custody of the National Archives. These case files cover land entries in all 30 public land states. The case files were filed as either military bounty land warrants, pre-1908 general land entry files, or as post-1908 land entry files. The information required to access and order copies of the records will differ depending on which of these 3 categories the transaction falls into.

For land records in the remaining 20 states that were never part of the original public domain, check the **State Archives** for that particular state. This includes the original 13 colonies, plus Hawaii, Kentucky, Maine, Tennessee, Texas, Vermont, and West Virginia.

Related Land Records

Tract Books:

There are also tract books available relating to the land entry case files. These are arranged by the legal description of the land: by township, range, section, etc. Tract books are

divided into two geographical areas, Eastern States and Western States

For the **Western States**, the tract books are located in the **National Archives Building** in Washington, DC. This includes the states of: Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming.

For the **Eastern States**, the Bureau of Land Management (BLM) has the tract books and patents. This includes the states of: Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, and Wisconsin.

For these Eastern State tract books, contact: **Eastern States Office, Bureau of Land Management**, Department of the Interior (BLM-ESO) 7450 Boston Boulevard Springfield, VA 22153

Land Patents:

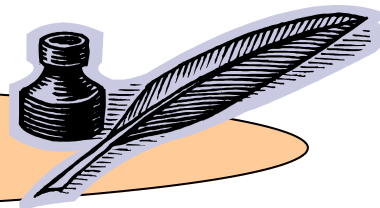
Land patents are the legal documents that transferred land ownership from the U.S. Government to individuals. Now you can

search for land patent records online, for both Eastern and Western states. See the Bureau of Land Management's **Land Patent Search page**.

Please note that this includes only patented or completed land entries. Those case files that were cancelled or relinquished will not be there, and may contain just as much useful information for the researcher. For this information, researchers will need to access the tract books.

How Land Records Can Help You:

Land case entry files can contain a wealth of genealogical and legal information. Depending upon the type and time period of the land entry, the case file may yield only a few facts already known to the researcher or it may present new insights about ancestors, family history, title, and land use issues. For example, the records may attest to the one's age, place of birth, citizenship, military service, literacy, and economic status, and may even include similar information about family members. But even the smallest case files can establish locations of land ownership or settlement and dates essential to utilize other resources at NARA, such as census, court, and military service and pension records.



Kentucky Certificates of Settlement & Preemption Warrants

Under the Virginia Land Law of 1779, residents of the Kentucky District could purchase Certificates of Settlement and Preemption Warrants if they met certain residency requirements.

Any bona fide settler in Kentucky County prior to January 1, 1778, who had made an improvement and planted a crop of corn, was eligible for a 400 acre Certificate of Settlement for the land he (or she) had improved. An additional 1000 acres, adjoining the Settlement tract, could be purchased under a Preemption Warrant. All those who had "marked out" or chosen any unappropriated lands and built any house or hut or made other improvements prior to January 1, 1778, but could not prove actual settlement, were

entitled to a preemption of no more than 1000 acres. (These warrants were issued for "chop claims" or "lottery cabin improvements.")



Anyone in Kentucky County, Virginia, after January 1, 1778 and before May 1779 (when the Land Law was written) was eligible for a 400 acre Preemption Warrant for the tract on which they had made an improvement and planted a corn crop.


A Land Commission was appointed to hear

testimony from Kentucky County residents and their witnesses; the Commission then decided who qualified for Certificates of Settlement, 1000 acre Preemption Warrants, 1000 acre Preemption Warrants, and 400 acre Preemption Warrants. The Commission for the Kentucky District consisted of William Fleming, Edmund Lyne, James Barbour and Stephen Trigg. The Commission conducted their hearings in Harrodsburg, St. Asaph (Logan's Fort), Boonesborough, Bryants Station (near Lexington), and the Falls of Ohio (Louisville).


Visit Louisville Metro Archives at 635 Industry Road to see some of these early records. Our research room is open to the public Monday thru Friday from 8:00 am till 5:00 pm.

Upcoming Events...

July 2011

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	 4 Archives Closed	5	6	7	1	2
3					8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August 2011

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Please contact the Metro Archives Staff at (502) 574-2554 for details and/or additional information about any scheduled event/s.